

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, July 19, 2005
Tuesday, 9:10 A.M.

The City Council met in regular session with Mayor Mayans in the Chair. Council Members Brewer, Fearey, Martz, Schlapp, Skelton; present. Council Member Gray absent with prior notice.

George Kolb, City Manager; Gary Rebenstorf, Director of Law; Karen Sublett, City Clerk; present.

Ms. Lakshmi Kambampati, Hindu/Sanskrit, gave the invocation.

The pledge of allegiance was participated in by the Council Members, staff, and guests.

The Minutes of the July 12, 2005 meeting were approved 6 to 0, (Gray absent).

AWARDS AND PROCLAMATIONS

Proclamations There were no proclamations to be made.

Recognition Recognition of Table Tennis Coach, Zhao Jixian from Henan Province, China.

Mayor Mayans recognized Table Tennis Coach Zhao Jixian from Henan Province, China and presented him with an honorary citizenship certificate.

Recognition Recognition of Exchange Students from Orleans, France.

Mayor Mayans recognized the exchange students from Orleans, France and presented each of them with an honorary citizenship certificate.

Service Citations The following people were recognized for their many years of service with the City of Wichita and were presented with a plaque for the Distinguished Service Citation:
Phyllis A. Ingram, Library and Roberto D. Garcia, Fire Department.

Recognition Recognition of Teri Dozal.

Mayor Mayans recognized Teri Dozal and presented her with an award for her outstanding achievement with the Summertime Swimming Program at Evergreen Pool. Stated that this program received funding from the Knight Foundation and is a significant recognition nation wide to attest to a difference that grants can make in a community and that her program and the Knight Donor Advise Fund Grant it received was the inspiration for a national ad campaign.

Council Member Fearey Council Member Fearey read aloud the letter from the Knight Foundation.

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PUBLIC AGENDA

Mark Gietzen

Mark Gietzen-Damage that was done to his home from a bridge construction project at 55th Street South near Mosley.

Mr. Gietzen stated that he is here to address damage to his home that was done during the bridge project on 55th Street south of Mosley, which was started in March 2000. Stated that on April 2000 he notified the City of Wichita that the vibration caused by the equipment that Dondlinger was using, which was a pile driver that caused damage to his house and his neighbors' houses. Stated that Mayor Knight was informed and he was told to contact a city inspector, which he did and he was assured that all of the damages would be repaired after the bridge project was completed. Stated that the vibration from the pile driving had gotten so bad that it shook things off of the shelves and shook water lines and heat runs in his basement to the point that the Dondlinger Construction Company stopped their work on the bridge and came into his house with workmen and put some temporary cobbled up repairs so that they could continue their pile driving and finish the project. Stated that at this time they assured him that all of the repairs would be done in a professional manner as soon as they were finished with the project. Stated that since the completion of the project, in the fall of 2000, not one repair has been done to any of the four homes in that area that were damaged. Stated that a homeowner cannot just go out and get an attorney unless you are willing to put up a large amount of money to fight the insurance company that Dondlinger has. Stated that Dondlinger has a way of keeping these things out of court by threatening to fix the damage. Stated that he filed a motion in court saying that Dondlinger has to either fix this or say they are not going to fix it so that we can sue them. Stated that he was sued by Dondlinger for asking them to make a decision whether they were going to fix this or not.

Gary Rebenstorf

Director of law explained that this matter has been reviewed numerous times by City staff and Council Members. Stated that he was directed by the Council in 2004 to respond and that he wrote a letter that said that the City of Wichita has no legal obligation in this matter because the City's contract said that the contractor would be responsible for any damage and that the City would not be responsible. Stated that Mr. Gietzen did go to court and his case was dismissed by himself and the court in the matter that he referenced sanctioned him because of his actions in the court in dealing with this matter. Stated that the statute of limitations has run and therefore the City has no legal obligation and never had a legal obligation to Mr. Gietzen.

David Gittrich

David Gittrich, State Development Director for Kansans for Life-Number of abortions performed on the African American Community.

Mr. Gittrich stated that he is the State Development Director of Kansans for Life and that for the last four years he lived in Kansas City in Wyandotte County and during that time it came to his attention some new statistics about abortion on the national level. Stated that the leading cause of death in the African American Community is abortion, which is 35% in the United States. Stated that the abortion rate among African American women is 4.4 times greater than it is among married white women. Stated that the loss of 13 million African American children through abortions has played a significant part in the population decline. Stated in Wyandotte County they distributed this flyer starting at the end of 2002 and continued through 2003 and 2004 at parades and by going door-to-door and the abortions went from 878 in 2001 down to 723 in 2004 for the residents in Wyandotte County. Stated that they have taken this same flyer for Sedgwick County and on the back they have listed all of the crisis centers, maternity homes, post-abortion help in the Wichita area and on Saturday, July 30th they will be distributing this flyer door-to-door in the northeast section of Wichita and also mailing it to several thousand people throughout the area.

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Joe Wilson

Joe Wilson-Unacceptable action by the Police Department regarding Channel 3.

(Mr. Wilson called and asked to be removed from the agenda)

CONSENT AGENDA

Motion--carried

Mayans moved that the Consent Agenda be approved as presented. Motion carried 6 to 0, (Gray absent).

BOARD OF BIDS

REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JULY 18, 2005.

Bids were opened July 15, 2005, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

Reed's Cove Court serving Lots 19 through 26, Block 3, from the south line of Reed's Cove to and including the cul-de-sac; Bridlewood from the west line of Lot 11, Block 3, to the east line of Lot 28, Block 2; Bridlewood Court serving Lots 28 through 35, Block 2 from the south line of Bridlewood to and including the cul-de-sac to serve Reed's Cove Addition - south of 21st Street North, east of 127th Street east. (472-83771/765940/490053) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Kansas Paving Company - \$94,004.80

Lateral 7, Main 26 War Industries Sewer to serve Regency Park 3rd Addition - south of 29th Street North, west of Greenwich Road. (468-84035/744133/480821) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Wilks Underground - \$33,703.00

2005 Sanitary Sewer Reconstruction Phase 6 - various locations between Meridian and Hillside and between 29th St. North & 31st St. South. (468-84027/620435/665555) Traffic to be maintained during construction using flagpersons and barricades. (District I, IV, VI)

WB Carter Construction - \$255,706.00

Lateral 21, Main 19 Southwest Interceptor Sewer to serve North Ridge Village Addition - west of Ridge Road, south of K-96. (468-83977/744126/480814) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Wilks Underground - \$91,205.00

Lateral 1, Main 15, Sanitary Sewer #23 to serve Rio Vista 4th Addition - north of 61st Street North, west of Meridian. (468-83842/744112/480800) Does not affect existing traffic. (District VI)

Nowak Construction - \$239,539.99

Motion--

Mayans moved that the contracts be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried approved 6 to 0, (Gray absent).

--carried

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HOUSING AND COMMUNITY SERVICES DEPARTMENT/PUBLIC HOUSING DIVISION:
Replace Chainlink Fence Install Mow Strip at Various Locations

Parga Construction - \$57,000.00 (Group 1/Total Net Bid)

PUBLIC WORKS DEPARTMENT/STREET MAINTENANCE DIVISION: Herman Miller Systems
Office Furniture/RQ501402

John A. Marshall - \$25,906.30* Per State of Kansas Contract #30880

*Purchases Utilizing Government Entities Contracts Cooperative Contacts and
Agreements Ordinance No. 38-122, Section 2.64.020(j)

Motion--
--carried

Mayans moved that the contract(s) be awarded as outlined above, same being the lowest and
best bid, and the necessary signatures be authorized. Motion carried approved 6 to 0, (Gray absent).

CMBS

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

<u>Renewal</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
Angela L. Ray	El Matador Lounge	2033 South Broadway
<u>Renewal</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
James Smith	Farmers Market, Inc.	2901 North Broadway
<u>New Business</u>	<u>2005</u>	<u>(Consumption off Premises)</u>
Mike Hoffmann	Kwik Shop #727	7107 West 37th Street North

Motion--
--carried

Mayans moved that the licenses subject to Staff review and approval be approved. Motion carried
6 to 0, (Gray absent).

PRELIM. ESTS.

PRELIMINARY ESTIMATES:

- a) Water Distribution System to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (448-90079/735254/470925) Does not effect existing traffic. (District V) - \$117,000
- b) Lateral 2, Main 6 Northwest Interceptor Sewer to serve Fox Ridge Addition - north of 29th Street North, west of Tyler. (468-84021/744123/480811) Does not effect existing traffic. (District V) - \$183,000
- c) Wichita Waterwalk Public Improvements Phase 1A - Street Lighting, Sidewalk and Landscaping - north of Kellogg, east of Arkansas River. (472-84134/792424/792422/ 435352) Area to be closed to through traffic. (District I) - \$800,200
- d) 21st Street North Right-of-Way Restoration - (between 119th Street West and 135th Street West. (468-84049/622097/675129) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$20,000
- e) Lateral 375 Four Mile Creek Sewer to serve Maple Shade Addition - north of Pawnee, east of Webb. (468-83994/744130/480818) Does not affect existing traffic. (District II) - \$80,000

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- f) Water Distribution System to serve Maple Shade Addition - north of Pawnee, east of Webb. (448-90070/735263/470934) Does not affect existing traffic. (District II) - \$90,000
- g) Water Distribution System to serve Cheryl's Hollow Addition - north of 13th Street North, west of 135th Street West. (448-90029/735232/470903) Does not affect existing traffic. (District V) - \$104,000
- h) Palmetto Circle, Phase 3, from the west line of Lake Ridge and including the cul-de-sac to serve Avalon Park Addition - north of 37th Street North, east of Maize. (472-83837/765931/490044) Does not affect existing traffic. (District V) - \$68,100
- i) Palmetto, Phase 4, from the south line of Lot 27, Block 4, to the north line of Lot 6, Block 3; Havenhurst from the east line of Palmetto to the east line of Lot 1, Block 3; Sidewalk to be installed along the east line of Palmetto to serve Avalon Park Addition - north of 37th Street North, east of Maize - (472-83838 /765932 /490045) Does not affect existing traffic. (District V) - \$116,700
- j) Palmetto, Phase 5, from the east line of Lake Ridge to the north line of Lot 3, Block 3; Sidewalk to be installed along the west line of Cranbrook to serve Avalon Park Addition - north of 37th Street North, east of Maize. (472-83839/765933/490046) Does not affect existing traffic. (District V) - \$148,600
- k) Water Distribution System to serve Cheryl's Hollow Addition - north of 13th Street North, west of 135th Street West. (448-90030/735233/470904) Does not affect existing traffic. (District V) - \$105,000

Motion--carried

Mayans moved that the file be received. Motion carried 6 to 0, (Gray absent).

STMNT OF COSTS

STATEMENTS OF COST:

- a) Improving Water Distribution System to serve Four H Addition (north of Central, west of Tyler). Total Cost - \$31,726.33 (plus idle fund interest - \$477.67, plus temporary note interest - \$0). Financing to be issued at this time - \$32,204.00. (735236/448-88695/470-907).
- b) Improving Water Distribution System to serve Harbor Isle 3rd Addition (east of Meridian, south of 53rd Street North). Total Cost - \$91,287.67 (plus idle fund interest - \$351.50, plus temporary note interest - \$2,210.83). Financing to be issued at this time - \$93,850.00. (735170/448-89473/470-840).
- c) Improving Water Distribution System to serve Gray's 5th Addition (north of 47th Street South, east of Hoover). Total Cost - \$81,941.78.00 (plus idle fund interest - \$331.60, plus temporary note interest - \$1,702.62). Financing to be issued at this time - \$83,976.00. (735215/448-89681/470-885).
- d) Improving Water Distribution System to serve Hidden Glen Addition (north of 47th Street South, west of Hydraulic). Total Cost - \$74,566.30 (plus idle fund interest - \$1,197.30, plus temporary note interest - \$1,532.40). Financing to be issued at this time - \$77,296.00. (735199/448-89713/470-869).
- e) Improving Water Distribution System to serve Hawthorne Addition (north of 21st Street North, east of 127th Street East). Total Cost - \$37,813.16 (plus idle fund interest - \$231.03, plus temporary note interest - \$776.81). Financing to be issued at this time - \$38,821.00. (735189/448-89734/470-859).
- f) Improving Water Distribution system to serve Shadow Ridge Addition (south of Pawnee, east of Hillside). Total Cost - \$18,563.98 (plus idle fund interest - \$373.02, plus temporary note interest - \$0). Financing to be issued at this time - \$18,937.00. (735198/448-89760/470-868).

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- g) Improving Water Distribution System to serve The Waterfront Addition and unplatted tract (north of 13th Street North, east of Webb Road). Total Cost - \$228,942.38 (plus idle fund interest - \$1,550.57, plus temporary note interest - \$7,408.05). Financing to be issued at this time - \$237,901.00. (735110/448-89768/470-780).
- h) Improving Water Distribution System to serve Falcon Falls Addition (south of 53rd Street North, west of Hillside). Total Cost - \$36,952.56 (plus idle fund interest - \$644.44, plus temporary note interest - \$0). Financing to be issued at this time - \$37,597.00. (735224/448-89770/470-894).
- i) Improving Water Distribution System to serve Shadow Woods Addition (north of Maple, west of 135th Street West). Total Cost - \$45,475.79 (plus idle fund interest - \$197.33, plus temporary note interest - \$893.88). Financing to be issued at this time - \$46,567.00 (735218/448-89792/470-888).
- j) Improving Water Distribution System to serve Burnham Industrial Addition (south of Harry, west of West Street). Total Cost - \$10,154.95 (plus idle fund interest - \$122.05, plus temporary note interest - \$0). Financing to be issued at this time - \$10,277.00. (735125/448-89806/470-795).
- k) Improving Water Distribution System to serve Ridge Port Addition Phase 5 (east of Ridge, north of 29th Street North). Total Cost - \$11,212.36 (plus idle fund interest - \$131.64, plus temporary note interest - \$0). Financing to be issued at this time - \$11,344.00. (735205/448-89826/470-875).
- l) Improving Water Distribution System to serve The Waterfront Addition (north of 13th Street North, east of Webb). Total Cost - \$36,851.96 (plus idle fund interest - \$195.38, plus temporary note interest - \$1,169.67). Financing to be issued at this time - \$38,217.00. (735134/448-89845/470-804).
- m) Improving Water Distribution System to serve Reed's Cove Addition (south of 21st Street North, east of 127th Street East). Total Cost - \$17,340.41 (plus idle fund interest - \$315.59, plus temporary note interest - \$0). Financing to be issued at this time - \$17,656.00. (735230/448-89852/470-901).
- n) Improving Water Distribution System to serve Avalon Park Addition (north of 37th Street North, east of Tyler). Total Cost - \$51,126.32 (plus idle fund interest - \$320.85, plus temporary note interest - \$1,042.83). Financing to be issued at this time - \$52,490.00. (735202/448-89867/470-872).
- o) Improving Water Distribution to serve Parkwilde Addition (north of 3rd, west of Florence). Total Cost - \$2,859.86 (plus idle fund interest - \$78.14, plus temporary note interest - \$0). Financing to be issued at this time - \$2,938.00. (735172/448-89874/470-842).
- p) Improving Water Distribution System to serve Rivendale Addition (north of 55th Street South, west of Hydraulic). Total Cost - \$49,356.57 (plus idle fund interest - \$1,018.43, plus temporary note interest - \$0). Financing to be issued at this time - \$50,375.00. (735228/448-89886/470-898).
- q) Improving Water Distribution System to serve Tyler's Landing 2nd Addition (south of 37th Street North, east of Tyler). Total Cost - \$114,429.83 (plus idle fund interest - \$410.10, plus temporary note interest - \$2,679.07). Financing to be issued at this time - \$117,519.00. (735167/448-89891/470-837).
- r) Improving Water Distribution System to serve The Waterfront 2nd Addition (north of 13th Street North, east of Webb Road). Total Cost - \$30,217.81 (plus idle fund interest - \$153.34, plus temporary note interest - \$800.85). Financing to be issued at this time - \$31,172.00. (735156/448-89901/470-826).

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- s) Improving Water Distribution System to serve Remington Place 3rd Addition (south of 21st Street North, east of Webb Road). Total Cost - \$72,811.44 (plus idle fund interest - \$315.50, plus temporary note interest - \$1,701.06). Financing to be issued at this time - \$74,828.00. (735183/448-89917/470-853).
- t) Improving Water Distribution System to serve The Waterfront Addition (north of 13th Street North, east of Webb Road). Total Cost - \$8,994.96 (plus idle fund interest - \$237.04, plus temporary note interest - \$0). Financing to be issued at this time - \$9,232.00. (735180/448-89920/470-850).
- u) Improving Water Distribution System to serve Nice's Addition (north of 13th, east of High) Total Cost - \$2,851.88 (plus idle fund interest - \$57.12, plus temporary note interest - \$0). Financing to be issued at this time - \$2,909.00. (735229/448-89926/470-899).
- v) Improving Water Distribution System to serve Fawn Grove at Sunset Lakes Addition (south of Kellogg, west of Greenwich). Total Cost - \$50,071.74 (plus idle fund interest - \$324.70, plus temporary note interest - \$1,021.56). Financing to be issued at this time - \$51,418.00. (735187/448-89938/470-857).
- w) Improving Water Distribution system to serve Murdock from Arapaho to Boyd, to serve West Central Gardens, West Central Gardens 3rd and Avery Additions (north of Central, east of Hoover). Total Cost - \$19,128.06 (plus idle fund interest - \$402.94, plus temporary note interest - \$0). Financing to be issued at this time - \$19,531.00. (735201/448-89946/470-871).
- x) Improving Water Distribution System to serve Brentwood South 2nd Addition (north of Pawnee, east of Webb Road). Total Cost - \$21,045.58 (plus idle fund interest - \$464.42, plus temporary note interest - \$0). Financing to be issued at this time - \$21,510.00. (735193/448-89947/470-863).
- y) Improving Water Distribution System to serve Prairie Pointe Addition (north of 37th Street North, west of Maize). Total Cost - \$157,991.49 (plus idle fund interest - \$733.49, plus temporary note interest - \$3,235.02). Financing to be issued at this time - \$161,960.00. (735210/448-89949/470-880).
- z) Improving Water Distribution System to serve Prairie Pointe Addition (north of 37th Street North, west of Maize). Total Cost - \$72,065.44 (plus idle fund interest - \$1,015.51, plus temporary note interest - \$532.05). Financing to be issued at this time - \$73,613.00. (735211/448-89950/470-881).
- aa) Improving Water Distribution System to serve Fox Ridge Addition (north of 29th Street North, east of Maize). Total Cost - \$105,196.87 (plus idle fund interest - \$622.81, plus temporary note interest - \$2,128.32). Financing to be issued at this time - \$107,948.00. (735194/448-89952/470-864).
- bb) Improving Water Distribution System to serve 233 North Doris in Westbreeze Addition (south of 2nd, west of West Street). Total Cost - \$4,170.69 (plus idle fund interest - \$104.31, plus temporary note interest - \$0). Financing to be issued at this time - \$4,275.00. (735195/448-89953/470-865).
- cc) Improving Water Distribution System to serve Kiser West Addition (south of 13th Street North, west of Greenwich). Total Cost - \$47,705.99 (plus idle fund interest - \$221.26, plus temporary note interest - \$957.75). Financing to be issued at this time - \$48,885.00. (735197/448-89955/470-867).
- dd) Improving Water Supply Line to serve Reed's Cove 3rd Addition (east of 127th Street East, south of 21st Street). Total Cost - \$71,761.41 (plus idle fund interest - \$362.06, plus temporary note interest - \$1,468.53). Financing to be issued at this time - \$73,592.00. (735196/448-89956/470-866).

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- ee) Improving Water Distribution System to serve Turkey Creek Addition (north of Pawnee, west of 119th Street West). Total Cost - \$89,155.61 (plus idle fund interest - \$408.63, plus temporary note interest - \$1,787.76). Financing to be issued at this time - \$91,352.00. (735213/448-89961/470-883).
- ff) Improving Water Distribution System to serve My House Addition (south of 55th Street South, west of Broadway). Total Cost - \$31,597.45 (plus idle fund interest - \$603.55, plus temporary note interest - \$0). Financing to be issued at this time - \$32,201.00. (735216/448-89977/470-886).
- gg) Improving Water Distribution System to serve Shady Ridge Addition (south of Central, east of Ridge). Total Cost - \$25,684.36 (plus idle fund interest - \$109.59, plus temporary note interest - \$532.05). Financing to be issued at this time - \$26,326.00. (735204/448-89978/470-874).
- hh) Improving Water Distribution System to serve Blue Lake Addition (west of West Street, north of MacArthur). Total Cost - \$120,581.84 (plus idle fund interest - \$2,292.16, plus temporary note interest - \$0). Financing to be issued at this time - \$122,874.00. (735217/448-89988/470-887).
- ii) Improving Water Distribution System to serve Southern Ridge 2nd Addition (south of Pawnee, west of Maize). Total Cost - \$57,125.81 (plus idle fund interest - \$1,059.19, plus temporary note interest - \$0). Financing to be issued at this time - \$58,185.00. (735219/448-90008/470-889).
- jj) Improving Water Distribution System to serve The Waterfront 4th Addition (north of 13th Street North, east of Webb). Total Cost - \$23,593.85 (plus idle fund interest - \$414.15, plus temporary note interest - \$0). Financing to be issued at this time - \$24,008.00. (735221/448-90019/470-891).
- kk) Improving Water Distribution System to serve Angel Fire Addition (north of 47th Street South, east of West Street). Total Cost - \$26,302.66 (plus idle fund interest - \$350.34, plus temporary note interest - \$0). Financing to be issued at this time - \$26,653.00. (735235/448-90024/470-906).
- ll) Improving Water Distribution System to serve The Fairmont 3rd Addition (north of 21st Street North, west of 127th Street East). Total Cost - \$30,145.45 (plus idle fund interest - \$507.55, plus temporary note interest - \$0). Financing to be issued at this time - \$30,653.00. (735231/448-90027/470-902).
- mm) Constructing Lateral 8, Main 14, Southwest Interceptor Sewer to serve Chance Industrial Park 2nd Addition (south of Kellogg, west of West Street). Total Cost - \$67,077.52 (plus idle fund interest - \$1,006.48, plus temporary note interest - \$0). Financing to be issued at this time - \$68,084.00. (744089/468-82194/480-777).
- nn) Constructing Lateral 4, Main 26, War Industries Sewer to serve Regency Park Addition (west of Greenwich, north of K-96). Total Cost - \$26,808.04 (plus idle fund interest - \$287.73, plus temporary note interest - \$319.23). Financing to be issued at this time - \$27,415.00. (744072/468-83064/480-760).
- oo) Constructing Lateral 447, Southwest Interceptor Sewer to serve Village Charters 2nd Addition (north of 21st Street North, east of Tyler). Total Cost - \$25,198.59 (Sewer Main Benefit Fee - \$2,300.00, plus idle fund interest - \$122.63, plus temporary note interest - \$510.78). Financing to be issued at this time - \$28,132.00. (744077/468-83089/480-765).
- pp) Constructing Lateral 5, Main 26, War Industries Sewer to serve Regency Park Addition (south of 29th Street North, west of Greenwich). Total Cost - \$33,057.55 (plus idle fund interest - \$211.99, plus temporary note interest - \$638.46). Financing to be issued at this time - \$33,908.00. (744069/468-83099/480-757).

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- qq) Constructing Lateral 4, Main 12, Sanitary Sewer No. 23 to serve Eagles Landing at North Oliver 2nd and 3rd Additions (south of 45th Street North, west of Oliver). Total Cost - \$62,928.74 (plus idle fund interest - \$256.89, plus temporary note interest - \$1,629.37). Financing to be issued at this time - \$64,815.00. (744029/468-83287/480-717).
- rr) Constructing Lateral 91, Main 1, Southwest Interceptor Sewer to serve Hidden Glen Addition (west of Hydraulic, between 44th and 45th Street South). Total Cost - \$237,634.45 (plus idle fund interest - \$1,492.09, plus temporary note interest - \$4,469.46). Financing to be issued at this time - \$243,596.00. (744064/468-83484/480-752)
- ss) Constructing Main 7, Northwest Interceptor Sewer to serve an area generally bounded by 29th Street North, Maize, 37th Street North, and 119th Street West. Total Cost - \$757,717.49 (plus idle fund interest - \$4,152.21, plus temporary note interest - \$14,898.30). Financing to be issued at this time - \$776,768.00. (744058/468-83502/480-746).
- tt) Constructing Lateral 2, Main 12, Four Mile Creek Sewer to serve Hawthorne Addition (north of 21st Street North, east of 127th Street East). Total Cost - \$91,407.46 (plus idle fund interest - \$660.51, plus temporary note interest - \$1,809.03). Financing to be issued at this time - \$93,877.00. (744053/468-83511/480-741).
- uu) Constructing Lateral 158, War Industries Sewer to serve Shadow Ridge Addition (east of Hillside, south of Pawnee). Total Cost - \$11,060.71 (plus idle fund interest - \$219.29, plus temporary note interest - \$0). Financing to be issued at this time - \$11,280.00. (744063/468-83557/480-751).
- vv) Constructing Lateral 348, Four Mile Creek Sewer to serve Woodland Lakes Estates 3rd Addition (north of Harry, west of 127th Street East). Total Cost - \$47,000.23 (plus idle fund interest - \$160.09, plus temporary note interest - \$1,257.68). Financing to be issued at this time - \$48,418.00. (744039/468-83591/480-727).
- ww) Constructing Lateral 35, Cowskin Interceptor Sewer to serve Shadow Woods Addition (north of Maple, west of 135th Street West). Total Cost - \$257,369.80 (plus idle fund interest - \$1,623.56, plus temporary note interest - \$4,256.64). Financing to be issued at this time - \$263,250.00. (744080/468-83596/480-768).
- xx) Constructing Lateral 38, Cowskin Interceptor Sewer to serve Highland Springs 3rd Addition (south of Central, west of 135th Street West). Total Cost - \$141,193.92 (plus idle fund interest - \$2,789.08, plus temporary note interest - \$0). Financing to be issued at this time - \$143,983.00. (744078/468-83635/480-766).
- yy) Constructing Lateral 36, Main 1, Cowskin Interceptor Sewer to serve Miles Hidden Lakes Estates Addition (south of Maple, west of Maize). Total Cost - \$44,146.09 (plus idle fund interest - \$1,050.91, plus temporary note interest - \$0). Financing to be issued at this time - \$45,197.00. (744005/468-83667/480-693).
- zz) Constructing Lateral 43, Main 24, War Industries Sewer to serve The Waterfront 2nd Addition (north of 13th, east of Webb). Total Cost - \$47,459.40 (plus idle fund interest - \$235.25, plus temporary note interest - \$1,270.35). Financing to be issued at this time - \$48,965.00. (744021/468-83741/480-709).
- aaa) Constructing Lateral 132, Westlink Sewer to serve Four H Addition (north of Central, west of Tyler). Total Cost - \$45,989.95 (plus Sanitary Sewer Main Benefit Fee - \$20,774.00, plus idle fund interest - \$798.05, plus temporary note interest - \$0). Financing to be issued at this time - \$67,562.00. (744102/468-83761/480-790).

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- bbb) Constructing Lateral 44, Main 24, War Industries Sewer to serve Remington Place 3rd Addition (south of 21st Street North, east of Webb). Total Cost - \$100,562.79 (plus idle fund interest - \$529.05, plus temporary note interest - \$2,232.16). Financing to be issued at this time - \$103,324.00. (744049/468-83768/480-737).
- ccc) Constructing Lateral 13, Main 14, Southwest Interceptor Sewer to serve Burnham Industrial and Von Feldt Industrial Additions (north of Esthner, west of West Street) Total Cost - \$96,375.27 (plus idle fund interest - \$2,030.73, plus temporary note interest - \$0). Financing to be issued at this time - \$98,406.00. (744041/468-83772/480-729).
- ddd) Constructing Lateral 45, Main 24, War Industries Sewer to serve The Waterfront Addition (north of 13th, east of Webb). Total Cost - \$15,000.00 (plus idle fund interest - \$119.77, plus temporary note interest - \$319.23. Financing to be issued at this time - \$15,439.00. (744046/468-83773/480-734).
- eee) Constructing Lateral 364, Four Mile Creek Sewer to serve Krug North Addition (north of 21st Street North, west of 143rd Street East). Total Cost - \$64,087.35 (plus Sewer Main Benefit Fee - \$43,400.00, plus idle fund interest - \$404.67, plus temporary note interest - \$1,276.98). Financing to be issued at this time - \$109,169.00. (744050/468-83787/480-738).
- fff) Constructing Lateral 365, Four Mile Creek Sewer to serve Krug North Addition (north of 21st Street North, west of 143rd Street East). Total Cost - \$201,732.07 (plus idle fund interest - \$561.11, plus temporary note interest - \$4,043.82). Financing to be issued at this time - \$206,337.00. (744051/468-83788/480-739).
- ggg) Constructing Lateral 362, Four Mile Creek Sewer to serve Fawn Grove at Sunset Lakes Addition (south of Kellogg, west of Greenwich). Total Cost - \$116,208.28 (plus idle fund interest - \$835.58, plus temporary note interest - \$2,341.14). Financing to be issued at this time - \$119,385.00. (744052/468-83797/480-740).
- hhh) Constructing Lateral 1, Main 7, Northwest Interceptor Sewer to serve Prairie Pointe Addition (north of 37th Street North, west of Maize). Total Cost - \$160,302.69 (plus idle fund interest - \$1,086.94, plus temporary note interest - \$2,660.37). Financing to be issued at this time - \$164,050.00. (744074/468-83807/480-762).
- iii) Constructing Lateral 14, Northwest Interceptor Sewer to serve Fox Ridge Addition (east of Maize, north of 29th Street North). Total Cost - \$238,745.28 (plus idle fund interest - \$1,502.56, plus temporary note interest - \$4,895.16). Financing to be issued at this time - \$245,143.00. (744059/468-83812/480-747).
- jjj) Constructing Lateral 370, Four Mile Creek Sewer to serve Reed's Cove 3rd Addition (south of 21st Street North, east of 127th Street East). Total Cost - \$254,420.88 (plus idle fund interest - \$1,491.73, plus temporary note interest - \$5,214.39). Financing to be issued at this time - \$261,127.00. (744062/468-83815/480-750).
- kkk) Constructing Lateral 1, Main 6, Cowskin Interceptor Sewer to serve Turkey Creek 2nd Addition (north of Pawnee, west of 119th Street West). Total Cost - \$160,484.60 (plus idle fund interest - \$862.92, plus temporary note interest - \$3,192.48). Financing to be issued at this time - \$164,540.00. (744079/468-83818/480-767).
- lll) Constructing Lateral 37, Main 1, Cowskin Interceptor Sewer to serve Oak Cliff Estates Addition (north of Maple, west of Maize). Total Cost - \$33,134.32 (plus idle fund interest - \$722.68, plus temporary note interest \$0). Financing to be issued at this time - \$33,857.00. (744065/468-83824/480-753).

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- mmm) Constructing Lateral 499, Southwest Interceptor Sewer to serve My House Addition (south of 55th Street South, west of Broadway). Total Cost - \$128,540.38 (plus Sewer Main Benefit Fee - \$11,494.00, plus idle fund interest - \$2,488.62, plus temporary note interest - \$0). Financing to be issued at this time - \$142,523.00. (744085/468-83835/480-773).
- nnn) Constructing Lateral 500, Southwest Interceptor Sewer to serve Shady Ridge Addition (south of Central, east of Ridge). Total Cost - \$43,004.13 (plus Sewer Main Benefit Fee - \$3,653.00, plus idle fund interest - \$196.59, plus temporary note interest - \$851.28). Financing to be issued at this time - \$47,705.00. (744068/468-83837/480-756).
- ooo) Constructing Lateral 371, Four Mile Creek Sewer to serve Savanna at Castle Rock Ranch 10th Addition (north of 13th Street North, west of 143rd Street East). Total Cost - \$87,850.26 (plus idle fund interest - \$420.12, plus temporary note interest - \$1,702.62). Financing to be issued at this time - \$89,973.00. (744071/468-83845/480-759).
- ppp) Constructing Lateral 144, Main 4, Sanitary Sewer No. 23 to serve Walnut Grove Addition (north of 35th Street North, west of Arkansas). Total Cost - \$52,855.32 (plus idle fund interest - \$1,012.68, plus temporary note interest - \$0). Financing to be issued at this time - \$53,868.00. (744096/468-83846/480-784).
- qqq) Constructing Lateral 32, Main 2, Southwest Interceptor Sewer to serve Bartlow 2nd Addition (east of Seneca, north of 47th Street North). Total Cost - \$8,282.04 (plus idle fund interest - \$182.96, plus temporary note interest - \$0). Financing to be issued at this time - \$8,465.00. (744070/468-83847/480-758).
- rrr) Constructing Lateral 16, Northwest Interceptor Sewer to serve Liberty Park 3rd Addition (south of 13th Street North, east of 135th Street West). Total Cost - \$48,015.40 (plus idle fund interest - \$962.60, plus temporary note interest - \$0). Financing to be issued at this time - \$48,978.00. (744075/468-83854/480-763).
- sss) Constructing Lateral 44, Cowskin Interceptor Sewer to serve Southern Ridge 2nd Addition (south of Pawnee, west of Maize Road). Total Cost - \$228,802.24 (plus Sewer Main Benefit Fee - \$66,000.00, plus idle fund interest - \$3,941.76, plus temporary note interest - \$0). Financing to be issued at this time - \$298,744.00. (744087/468-83893/480-775).
- ttt) Constructing Lateral 5, Main 14, Four Mile Creek Sewer to serve Reed's Cove Addition (south of 21st Street North, east of 127th Street East). Total Cost - \$35,173.83 (plus idle fund interest - \$642.17, plus temporary note interest - \$0). Financing to be issued at this time - \$35,816.00. (744098/468-83896/480-786).
- uuu) Constructing Lateral 35, Main 17, War Industries Sewer to serve The Plaza at Cherry Creek Hills Addition (north of Oak Knoll, east of Rock). Total Cost - \$16,559.85 (plus idle fund interest - \$301.15, plus temporary note interest - \$0). Financing to be issued at this time - \$16,861.00. (744091/468-83898/480-779).
- vvv) Constructing Lateral 505, Southwest Interceptor Sewer to serve Angel Fire Addition (north of 47th Street South, east of West Street). Total Cost - \$43,439.09 (plus Sanitary Sewer Main Benefit Fee - \$4,475.00, plus idle fund interest - \$720.91, plus temporary note interest - \$0). Financing to be issued at this time - \$48,635.00. (744104/468-83932/480-792).
- www) Constructing Lateral 273, Main 5, Sanitary Sewer No. 22 to serve an unplatted tract (west of Hoover, north of 8th). Total Cost - \$15,199.71, (plus idle fund interest - \$239.29, plus temporary note interest - \$0). Financing to be issued at this time - \$15,439.00. (744103/468-83939/480-791).

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- xxx) Constructing Main 4, Northwest Interceptor Sewer to serve Whistling Walk Estates, 2nd, 3rd, and 4th Additions (south of 13th, west of 119th Street West). Total Cost - \$102,575.00 (plus Sanitary Sewer Main Benefit Fee - \$99,150.00). Financing to be issued at this time - \$102,575.00. (744125/468-84006/480-813).
- yyy) Constructing Storm Water Sewer #533 to serve Regency Park Addition (south of 29th Street North, west of Greenwich). Total Cost - \$121,261.11 (plus idle fund interest - \$629.75, plus temporary note interest - \$2,341.14). Financing to be issued at this time - \$124,232.00 (751375/468-83066/485-266).
- zzz) Constructing Storm Water Sewer No. 574 to serve Hidden Glen Addition (west of Hydraulic, between 44th and 45th Street South). Total Cost - \$196,549.91 (plus idle fund interest - \$1,030.27, plus temporary note interest - \$4,043.82). Financing to be issued at this time - \$201,624.00. (751370/468-83485/485-261).
- aaaa) Constructing Storm Water Drain No. 189 to serve The Waterfront Addition and unplatted tracts (north of 13th Street North, east of Webb Road). Total Cost - \$353,359.51 (plus idle fund interest - \$2,135.40, plus temporary note interest - \$11,998.09). Financing to be issued at this time - \$367,493.00. (751320/468-83500/485-211).
- bbbb) Constructing Storm Water Drain #212 to serve Crystal Creek Addition (north of Harry, west of Greenwich). Total Cost - \$388,627.11 (plus idle fund interest - \$1,809.46, plus temporary note interest - \$9,628.43). Financing to be issued at this time - \$400,065.00. (751345/468-83679/485-236).
- cccc) Constructing Storm Water Drain No. 213 to serve Avalon Park Addition (north of 37th Street North, east of Tyler). Total Cost - \$184,616.75 (plus idle fund interest - \$965.73, plus temporary note interest - \$4,199.52). Financing to be issued at this time - \$189,782.00. (751358/468-83693/485-249).
- dddd) Constructing Storm Water Drain #214 to serve Avalon Park Addition (north of 37th Street North, east of Tyler). Total Cost - \$216,880.93 (plus idle fund interest - \$1,234.43, plus temporary note interest - \$4,256.64). Financing to be issued at this time - \$222,372.00 (751372/468-83694/485-263).
- eeee) Constructing Storm Water Sewer #594 to serve Reed's Cove Addition (south of 21st Street North, east of 127th Street East). Total Cost - \$66,291.68 (plus idle fund interest - \$1,122.32, plus temporary note interest - \$0). Financing to be issued at this time - \$67,414.00. (751387/468-83712/485-278).
- ffff) Constructing Storm Water Drain #218 to serve Tyler's Landing 2nd Addition (south of 37th Street North, east of Tyler). Total Cost - \$428,681.66 (plus idle fund interest - \$2,130.40, plus temporary note interest - \$8,829.94). Financing to be issued at this time - \$439,642.00. (751355/468-83727/485-246).
- gggg) Constructing Storm Water Drain No. 221 to serve Northridge Plaza Addition (north of 37th Street North, west of Ridge). Total Cost - \$136,430.03 (plus idle fund interest - \$590.20, plus temporary note interest - \$3,241.77). Financing to be issued at this time - \$140,262.00. (751357/468-83739/485-248).
- hhhh) Constructing Storm Water Drain No. 227 to serve Krug North Addition (north of 21st Street North, west of 143rd Street East). Total Cost - \$269,513.47 (plus idle fund interest - \$1,454.80, plus temporary note interest - \$6,065.73). Financing to be issued at this time - \$277,034.00. (751364/468-83792/485-255).

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- iiii) Constructing Storm Water Sewer #604 to serve Krug North Addition (north of 21st Street North, west of 143rd Street East). Total Cost - \$362,274.21 (plus idle fund interest - \$2,019.67, plus temporary note interest - \$7,449.12). Financing to be issued at this time - \$371,743.00. (751365/468-83794/485-256).
- jjjj) Constructing Storm Water Drain No. 229 to serve Fawn Grove at Sunset Lakes Addition (south of Kellogg, west of Greenwich). Total Cost - \$367,741.48 (plus idle fund interest - \$2,042.40, plus temporary note interest - \$7,449.12). Financing to be issued at this time - \$377,233.00. (751367/468-83798/485-258).
- kkkk) Constructing Storm Water Drain #231 to serve Prairie Pointe Addition (north of 37th Street North, west of Maize) Total Cost - \$351,943.72 (plus idle fund interest - \$1,910.32, plus temporary note interest - \$6,384.96). Financing to be issued at this time - \$360,239.00. (751376/468-83810/485-267).
- llll) Constructing Storm Water Sewer No. 605 to serve Reed's Cove 3rd Addition (east of 127th Street East, south of 21st). Total Cost - \$188,515.03 (plus idle fund interest - \$967.97, plus temporary note interest - \$3,831.00). Financing to be issued at this time - \$193,314.00. (751368/468-83816/485-259).
- mmmm) Constructing Storm Water Sewer No. 607 to serve Oak Cliff Estates Addition (north of Maple, west of Maize). Total Cost - \$41,910.26 (plus idle fund interest - \$242.87, plus temporary note interest - \$744.87). Financing to be issued at this time - \$42,898.00. (751371/468-83825/485-262).
- nnnn) Constructing Storm Water Sewer No. 608 to serve Evergreen and Newmarket Square Additions (north of 21st Street North, west of Maize). Total Cost - \$147,121.97 (plus idle fund interest - \$702.78, plus temporary note interest - \$2,873.25). Financing to be issued at this time - \$150,698.00. (751373/468-83827/485-264).
- oooo) Constructing Storm Water Drain #244 to serve Remington Place 3rd Addition (south of 21st Street North, east of Webb Road). Total Cost - \$46,005.99 (plus idle fund interest - \$806.01, plus temporary note interest - \$0). Financing to be issued at this time - \$46,812.00. (751390/468-83928/485-281).

Motion--carried

Mayans moved that the file be approved. Motion carried 6 to 0, (Gray absent).

DEEDS/ESMNTS.

DEEDS AND EASEMENTS:

- a) Utility Easement dated May 27, 2005 from Cypress Medical Office Park, L.L.C. a Kansas limited liability company, and Roger W. Evans over a tract of land lying in portions of Lots and 2, Block 1, Mediterranean Office Park Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- b) Utility Easement dated May 31, 2005 from Young Mens Christian Association of Kansas, a Kansas Corporation, over a portion of Lot 1, Block 1, Northwest YMCA Addition, an addition to Sedgwick County, Kansas, (OCA # 607861). No Cost to City.
- c) Drainage and Utility Easement dated June 2nd, 2005 from 21/127, L.L.C., a Kansas limited liability company, over a portion of Lots 22, 23, 31, and 32, Block 2, Reeds Cove Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA #607861). No Cost to City.

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- d) Utility Easement dated June 2, 2005 from William R. and Jennifer W. Nath, his wife, Peter L. and Deborah K. Ochs, his wife, Robert D. and Roxanne Smith, his wife, over a portion of Lot 1, Trinity Academy, an Addition to Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- e) Drainage and Utility Easement dated May 20, 2005 from Fox Ridge Development Company, Inc., over portions of Reserve "B", Fox Ridge Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA# 607861). No cost to City.
- f) Sanitary Sewer Easement dated June 22, 2005 from James A. Christian, etux., over a portion of Lot 8, Block C, Prospect Park Addition in Wichita, Sedgwick County, Kansas, (OCA# 744107). No cost to City.

Motion--carried Mayans moved that the documents be accepted. Motion carried 6 to 0, (Gray absent).

BOARDS/COMM.

MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Board of Park Commissioners, April 11, 2005
District II Advisory Board, May 2, 2005
Board of Park Commissioners, May 16, 2005
Police and Fire Retirement System, May 18, 2005
Wichita Employees' Retirement System, May 18, 2005
Board of Electrical Appeals, special meeting, May 24, 2005
Wichita Public Library, monthly report, May 2005
Wichita Public Library, June 21, 2005

Motion--carried Mayans moved that the file be received. Motion carried 6 to 0, (Gray absent).

STREET CLOSURES

STREET CLOSURES: MERIDIAN, PAWNEE TO 31ST ST. SOUTH. (DISTRICT IV)

Agenda Report No. 05-0701

Cornejo & Sons, Inc. has contracted to reconstruct Meridian between Pawnee and 31st St. South. Work began on June 7, 2005 and the contractor will soon be pouring the concrete pavement in the west half of the new street. Because the construction of this portion of the project only allows one lane of the existing street to be used for through traffic and because it is necessary to deliver and pour the new concrete from this traffic lane, it will be necessary to close this northbound traffic lane during the concrete pour. The contractor has adjusted his schedule to work through the night in order to minimize the inconvenience of this closure from approximately 8:00 p.m., Wednesday, July 20th until approximately 6:30 a.m., Thursday, July 21st. A similar closure will also be required in the south half of the project from 27th St. South to 31st St. South, which is tentatively scheduled from 8:00 p.m., Wednesday, July 27th until approximately 6:30 a.m., Thursday, July 28th. If the weather does not cooperate with the schedule above, the contractor will attempt the following evening until they are successful.

Cornejo and Sons, Inc. is responsible for the placement of the required detour and construction signs and barricades and the notification of area businesses and residents. During these short-term night closures, northbound traffic will be detoured east to Seneca, north to Pawnee and then back west to Meridian.

Motion--carried Mayans moved that the street closures be approved. Motion carried 6 to 0, (Gray absent).

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CONTS/AGMNTS

CONTRACTS & AGREEMENTS FOR JUNE 2005.

Motion--carried

Mayans moved that the report be received and filed. Motion carried 6 to 0, (Gray absent).

BOOSTER PUMP

SOUTHEAST WATER BOOSTER PUMP STATION AGREEMENT. (DISTRICT III)

Agenda Report No. 05-0684

The 1999 Water Master Plan identified potential water pressure problems in parts of southeast Wichita. Areas identified were in the southeast water distribution system and in the future growth areas of southeast Sedgwick County, as identified by the Metropolitan Area Planning Department (MAPD).

A Water Master Plan Update was approved by City Council on April 8, 2003. In the process of updating the water distribution water model and analyzing the water distribution system, which includes the latest growth predictions by MAPD, the Water Master Plan recommended a new booster pump station facility. The recommendation is to locate the pump station near the existing 20-inch water main in Harry between Woodlawn and Rock Road.

The Staff Screening and Selection Committee met on May 10, 2005, selecting Burns & McDonnell Consultant Engineers for the design of the Southeast Water Booster Pump Station.

On April 5, 2005, the City Council approved project expenditures for the Southeast Booster Pump Station (CIP W-537) and to fund the project from future revenue bond issues and/or Water Utility revenues and reserves. The Agreement with Burns & McDonnell Consultant Engineers for the design is not to exceed \$275,083.

The Law Department has reviewed the Agreement and approved it as to form.

Motion--
--carried

Mayans moved that the Agreement be approved and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

5962 S. HYDRAULIC

A PORTION OF 5962 SOUTH HYDRAULIC: HYDRAULIC IMPROVEMENT PROJECT. (DISTRICT III)

Agenda Report No. 05-0685

South Hydraulic from MacArthur to 57th Street South was declared a major trafficway by City Council action on February 27, 2001. Continuing the improvement south from 57th Street South to 63rd Street South will provide an improved transportation corridor to Wichita's south city limits. On December 14, 2004, the City Council approved the widening of Hydraulic between 57th Street South and 63rd Street South. The project will widen Hydraulic to four lanes, install a storm water drainage system and sidewalks. This project requires the partial acquisition of three tracts. The second of three tracts is a portion of 5962 South Hydraulic, owned by Frederick Rice, Carl and Melissa Losey. The property consists of 10 acres and is improved with a 1,844 square foot, single-family residence.

The acquisition of will require 4,178 square foot strip of land adjacent to Hydraulic. The parcel was appraised at \$4,715. After the project, the house will be approximately twenty feet from Hydraulic. The appraiser included no compensation for this increased proximity to Hydraulic. The owner feels that a fence would mitigate this damage. The cost of a fence is \$9,800. An offer of \$14,515 for the land and proximity damages has been accepted by the owner.

The funding source for the City share is General Obligation Bonds. A budget of \$14,815 is requested. This includes \$14,515 for the acquisition, and \$300 for closing costs and title insurance.

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The Law Department has approved the contracts as to form.

Motion--
--carried

Mayans moved that the budget and the Real Estate Purchase Contracts be approved and the necessary signatures be authorized. Motion carried 6 to 0, (Gray absent).

2348 S. VICTORIA

2348 SOUTH VICTORIA STREET FOR PAWNEE WIDENING IMPROVEMENT PROJECT FROM WASHINGTON TO HYDRAULIC. (DISTRICT III)

Agenda Report No. 05-0686

On October 21, 2003, the City Council approved the improvement and widening of Pawnee from Washington to Hydraulic. The project will require partial or total acquisition of 21 parcels, of which 15 are single-family residences. One of the 15 required residential acquisitions is a 750 square foot single-family residence at 2348 South Victoria Street. The property is frame construction with two bedrooms and one bath. The property is a rental unit and is vacant at this time.

The property was appraised at \$47,500. In addition, the owner is entitled to up to \$12,500 for business relocation. The owner has agreed to accept \$57,500 for acquisition and relocation. The improvements will be removed and the site utilized for widening Pawnee, placement of the sidewalk and landscaping.

The funding source for the project is General Obligation bonds and Federal monies. A budget of \$63,500 is requested. This includes \$57,500 for the acquisition and relocation, \$5,000 for demolition, and \$1,000 for title work and closing costs.

The Law Department has approved the contract as to form.

Motion--
--carried

Mayans moved that the budget be approved and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

2351 S. ELLIS

2351 SOUTH ELLIS STREET FOR PAWNEE WIDENING IMPROVEMENT PROJECT FROM WASHINGTON TO HYDRAULIC. (DISTRICT III)

Agenda Report No. 05-0687

On October 21, 2003, the City Council approved the improvement and widening of Pawnee from Washington to Hydraulic. The project will require partial or total acquisition of 21 parcels, of which 15 are single-family residences. One of the residential acquisitions is a 816 square foot single-family residence at 2351 South Ellis Street. The property is frame construction with two bedrooms and one bath. The property is a rental unit and is currently rented.

The property was appraised for \$57,500. In addition, the owner is entitled to up to \$12,500 for business relocation. The owner has agreed to accept \$65,000 for the property and relocation. The improvements will be removed and the site utilized for widening Pawnee, placement of the sidewalk and landscaping.

The funding source for the project is General Obligation bonds and Federal monies. A budget of \$80,500 is requested. This includes \$65,500 for the acquisition, \$10,000 for tenant relocation, \$5,000 for demolition and \$500 for title work and closing costs.

The Law Department has approved the contract as to form.

Motion--
--carried

Mayans moved that the budget be approved and the necessary signatures authorized. Motion carried 6 to 0, (Gray absent).

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STREET REHAB. 2005 STREET REHABILITATION PROGRAM. (DISTRICTS I, II, IV & VI)

Agenda Report No. 05-0688

The 2005 Capital Improvement Program includes a project to rehabilitate major streets.

The locations to be repaired in 2005 are: 37th St. North, between Seneca and Womer; 21st. St. North, between Greenwich and K-96 Expressway; Meridian, between 43rd St. South and 47th St. South; and Hydraulic between 37th St. North and a point 1/3 mile north of 37th St. North.

The project budget is \$400,000. The funding source is General Obligation Bonds.

The Law Department has approved the authorizing Ordinance as to legal form.

Motion--
--carried

Mayans moved that the project be approved and the Ordinance placed on first reading.
Motion carried 6 to 0, (Gray absent).

ORDINANCE

An Ordinance declaring 37th Street North, between Seneca and Womer; 21st Street North between Greenwich and the K-96 Expressway; Meridian between 43rd Street south and 47th Street South, and Hydraulic, between 37th Street North and a point 1/3 mile north of 37th Street North (2005 Street Rehabilitation Program) 472-84158 to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

29TH ST. N. IMPROV. 29TH STREET NORTH IMPROVEMENT FROM ½ MILE EAST OF RIDGE TO HOOVER. (DISTRICT V)

Agenda Report No. 05-0689

The 2004-2013 Capital Improvement Program adopted by the City Council includes a \$400,000 project to improve 29th St. North, from ½ mile east of Ridge to Hoover. It was originally envisioned that the improvement would consist of placing an asphalt mat on the existing surface, with little drainage work. On May 20, 2003 the City Council approved a contract with Certified Engineering Design, consultant engineers, to prepare preliminary engineering plans. On May 2, 2005 and June 6, 2005, District V Advisory Board sponsored neighborhood hearings on the project. The Board voted 9-0 to recommend that the project, as now envisioned, be reprogrammed in the CIP at a later time to include a design more compatible with the remainder of the 29th Street North improvements.

Staff has no objections to the DAB recommendations and will reprogram the project if that is the Council's desire. However, during the original design, we did ask Certified Engineering Design to perform additional work that was in addition to their original scope.

The supplemental design agreement amount is \$9,500. Funding is available within the existing design budget. The funding source is General Obligation Bonds.

The Department of Law has approved the supplemental design agreement as to legal form.

Motion--
--carried

Mayans moved that the project to improve 29th Street North, from ½ mile east of Ridge to Hoover be cancelled and the supplemental design agreement approved. Motion carried 6 to 0, (Gray absent).

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HOME RULE BOND. HOME RULE BONDING ORDINANCE FOR ARENA NEIGHBORHOOD REDEVELOPMENT PLAN.

Agenda Report No. 05-0690

On June 21, 2005, the City Council approved the selection of Gould Evans to undertake preparation of the Arena Neighborhood Redevelopment Plan and authorized staff to negotiate a not-to-exceed contract of \$250,000 to perform the work. The City is partnering with Sedgwick County, as the developer of the arena, and with the Wichita Downtown Development Corporation in formulating the arena redevelopment plan. The consultant will work with these key members as well as stakeholders, residents, landowners and business representatives to build consensus in the development of the Arena Neighborhood Redevelopment Plan.

The Department of Law requires the approval of a home rule-bonding ordinance to be eligible to issue debt for the cost of the Arena Neighborhood Redevelopment project. Bond counsel has drafted the required home rule ordinance.

Funding for this project has been identified in the 2005-2014 Capital Improvement Program.

A home rule-bonding ordinance is being utilized for the Arena Neighborhood Redevelopment study. The ordinance has been approved as to form by the Law Department.

Motion--
--carried

Mayans moved that the home rule bonding ordinance for the Arena Neighborhood Redevelopment Plan be approved and the ordinance placed on first reading. Motion carried 6 to 0, (Gray absent).

ORDINANCE

An Ordinance of the City of Wichita, Kansas authorizing the issuance of its General Obligation Bonds to pay the costs of preparation of an arena neighborhood redevelopment plan; and authorizing and providing for the issuance of temporary improvement notes of the city from time to time as funds are needed for such purpose, introduced and under the rules laid over.

CONTINGENCY FUND CONTINGENCY FUND USE FOR CONVENTION & VISITORS BUREAU.

Agenda Report No. 05-0691

In an effort to make it possible to bring different conventions and events to Wichita, City Council established a "Convention Promotion Contingency" as part of the Tourism and Convention Fund in the annual budget. This allocation is funded from the transient guest tax. It is earmarked to fund special activities as deemed appropriate by the Greater Wichita Convention and Visitors Bureau to approach City Council for approval. The dollar amounts for each event reflects committed financial support of that event. The GWCVB is requesting funds to sponsor a variety of events outlined below:

National Square Dancers	\$2,000
Ad Valorem Taxation Conference	\$1,500
Midwest Catholic Family Conference	\$2,000
Preferred Health Systems Wichita Open	\$6,000
American Collegiate Hockey Association	\$35,000
TOTAL CONTINGENCY REQUEST	\$50,500

The largest share of the money is the hosting fees of the recently announced American Collegiate Hockey Association. The dollar amount requested fulfills the commitments to pay the facility rental fees for Ice Sports Wichita (\$28,000) and pay referees (\$7,000). This National Showcase Tournament is a Division III combined tournament with eight Men's teams and eight Women's teams. It is expected to attract 2,000 spectators. The estimated economic impact is \$1.5 million.

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It is anticipated that these investments will be paid back through the transient guest tax fund and through their attendees spending money in the community at area retail, dining and entertainment facilities.

The 2005 Adopted Budget has \$100,000 in this fund. Therefore, there is enough money to grant these requests.

Motion--
--carried

Mayans moved that the allocation from the contingency fund with the Convention and Tourism Bureau be approved. Motion carried 6 to 0, (Gray absent).

REFUNDING

ADVANCE REFUNDING OF WATER AND SEWER UTILITY REVENUE BONDS, SERIES 2005B AND WATER AND SEWER UTILITY REVENUE BONDS, SERIES 2005.

Agenda Report No. 05-0700

On March 8, 2005, the City Council authorized a Resolution of Intent to issue two series of refunding revenue bonds for the Water and Sewer Utility that would have refunded the Series 1997 and 1999 Bonds. On March 22, the City Council approved the underwriting syndicate of Citigroup to lead the refunding issues. However, on April 26 when the bonds were priced, the Series 1999 bonds did not meet the City's savings threshold of 3% for refunding purposes. Market conditions have since shifted making the Series 1999 Water and Sewer Utility Revenue bonds a good candidate for refunding. The pricing of the bonds is anticipated to occur in early August and will be priced based on favorable market conditions. In addition to the refunding issue, the Utility will be issuing approximately \$50,000,000 in new debt. Combining the two series into a single sale will result in savings in issuance costs as well as staff time.

Staff has investigated the savings potential from this refunding and has determined that significant savings in debt service costs can be obtained. Based on current bond market conditions, it is estimated that approximately \$1.60 million in debt service costs can be saved allocated annually in the Debt Service Fund through 2016, with a present value of approximately \$1.41 million.

The Water and Sewer Department has been drawing down cash reserves, in anticipation of the issuance of revenue bonds, in order to fund the costs of improvement projects that were previously authorized for bond financing. The proceeds from the new money bond issuance will reimburse prior cash reserve expenditures and will provide funding for on-going expenditures for future capital projects. The debt is structured in such a way that it allows for inter-generational equity by spreading a portion of the costs out to a slightly longer term (25 years) than the typical 20-year utility debt term. The bonds will mature over this 25-year period, callable after ten years, and will be insured as to the payment of principal and interest by Financial Guaranty Insurance Company.

Staff recommends using a negotiated approach to selling the refunding bonds and the new money issue because of the potential for volatility in the bond market and the need for specialized structuring expertise and other administrative assistance that underwriters can provide in a negotiated transaction, which results in achieving optimal savings. Because of the size of the issue, the City will recommend using a selling group so that more local underwriters can have an opportunity to be involved in the issue.

Because of the complexity of the issues, it is in the best interest of the City to utilize a financial advisor. The financial advisor will be aide in the structure, timing, marketing, terms and perhaps most importantly, oversee the fairness of the pricing. Staff will use the services of a financial consultant, Springsted Public Financial Advisors, to assist in the analysis and bond structuring needed for this task. Springsted is the financial advisor to Sedgwick County, selected through a competitive selection process. The preferred schedule for the refunding will have pricing completed immediately prior to the regular meeting of the City Council on August 2, 2005. However, if the pricing does not generate a sufficient level of savings prior to the August 2nd meeting, the managing underwriter and staff will attempt to reprice the issue prior to the August 9, 2005 meeting.

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The estimated present value savings of \$1.41 million is equal to approximately 3.6% of the par amount of the bonds being refunded. Generally accepted standards for determining the appropriate level of savings in a bond refunding suggest a minimum 3% as the threshold. The proposed refunding exceeds the minimum threshold. Based on that standard, the proposed refunding is financially sound. The cost of the Underwriter will be based on the total par amount of the bonds issued. The estimated cost of the underwriter's fees of approximately \$350,000, the cost of the financial advisory services which will not exceed \$72,340, and other expenses such as rating fees, Escrow Agent fees, Paying Agent fees, Bond Counsel fees and other expenses associated with the issuance of the bonds have all been anticipated and deducted from the amount of savings that the refunding issue will generate. The Underwriter's fees will be added into the issuance costs of the bond issue.

Principal financing documents will be prepared by the City's Bond Counsel, Hinkle Elkouri Law Firm, LLC, and approved as to form by the Law Department.

Motion--

Mayans moved that Springsted be authorized to perform financial advisory services for the City; the staff authorized to proceed to negotiate an advance refunding of the Water and Sewer Utility Revenue Bonds, Series 1999, with the local underwriting syndicate led by Citigroup, and the resolution of intent authorized. Motion carried 6 to 0, (Gray absent).

--carried

RESOLUTION NO. 05-371

A Resolution of the governing body of the City of Wichita, Kansas, declaring its intention to issue its water and sewer utility refunding revenue bonds for the purpose of refunding certain outstanding water and sewer utility revenue bonds of the City, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Brewer, Fearey, Gray, Martz, Schlapp, Skelton, Mayans; (Gray absent).

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ JULY 12, 2005)

- a) Repeal of Chapter 7.70 (Spa Pools).

ORDINANCE NO. 46-624

An Ordinance repealing Chapter 7.70 of the Code of the City of Wichita, Kansas, pertaining to spa pools, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, Mayans, (Gray absent).

- b) Improvement to Intersection of Zoo Boulevard, Westdale and I-235 Freeway. (District VI)

ORDINANCE NO. 46-625

An Ordinance declaring the intersection of Zoo Boulevard, Westdale and I-235 Freeway (472-83986) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, Mayans, (Gray absent).

- c) Improvement to Intersection of Maize at Westport. (District V)

ORDINANCE NO. 46-626

An Ordinance declaring the intersection of Maize Road at Westport (472-84244) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated

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costs thereof, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, Mayans, (Gray absent).

d) ZON2004-44 - south side of 21st Street North and east of Greenwich. (District II)

ORDINANCE NO. 46-627

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, Mayans, (Gray absent). (ZON 2004-44)

e) ZON2005-00012 - generally located at the northeast corner of Westfield and Dubon Avenue. (District V)

ORDINANCE NO. 46-628

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Mayans moved that the Ordinance be placed upon its passage and adopted. Motion carried 6 to 0. Yeas: Brewer, Fearey, Martz, Schlapp, Skelton, Mayans, (Gray absent). (ZON 2005-00012)

UNFINISHED BUSINESS

ABATEMENT

ABATEMENT OF DANGEROUS AND UNSAFE STRUCTURES. (DISTRICTS I, II, III, V & VI) (DEFERRED JULY 12, 2005)

Kurt Schroeder

Office of Central Inspection reviewed the item.

Agenda Report No. 05-0692

The Office of Central Inspection (OCI) supports neighborhood maintenance and improvement through abatement of public nuisances under Titles 18 and 20 of the City Code. State law and local ordinances allow the City to demolish or secure private property that is in violation of Housing and Building Code standards, after proper notification of the responsible party/parties. A private contractor performs the work, and the Office of Central Inspection bills the cost to the property owner.

Note: This item was deferred from the July 12, 2005 City Council Consent Agenda at the request of Council Member Skelton so that the listing of properties and assessment amounts could be provided.

State law and City ordinance allow placement of the demolition and board-up costs as a special property tax assessment if the property owner does not pay. Payment has not been received for the nuisance abatements in question, and OCI is requesting permission for the Department of Finance to process the necessary special assessments.

Statements of Charges will be mailed to the property owners on July 29, 2005. The property owners have 30 days from date of statement to pay their assessment and avoid paying interest. The interest added to the principal amount will be determined by the rate at which the July 2005 bonds sold. The principal and interest will then be spread for 1-year and placed on the 2005 tax roll.

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The assessments are in accordance with City Code 18.16.070, 18.16.080 and 18.16.090.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Skelton moved that the proposed assessments be approved and the ordinance be placed on first reading.
Motion carried 6 to 0, (Gray absent).

ORDINANCE

An Ordinance making a special assessment to pay for the removal of certain structures, being dangerous and unsafe buildings, which have been declared a nuisance (building condemnation) under the provision of Sections 18.16.010 to 18.16.090 of the Code of the City of Wichita, Kansas, introduced and under the rules laid over.

NEW BUSINESS

2006 BUDGET

2006 ANNUAL OPERATING BUDGET AND 2005 BUDGET REVISIONS

Rob Raine

Budget Officer reviewed the item.

Agenda Report No. 05-0693

The City Council has received the City Manager's Proposed 2006/2007 Budget (including tax increment financing districts). The Council is receiving public comment at its weekly Council meetings.

The proposed 2006 annual operating budget is \$462,487,058 – including all Tax Increment Financing (TIF) Funds and the Self-Supporting Municipal Improvement District (SSMID) Fund. Interfund transactions and appropriated reserves increase this amount to \$562,445,038. The inclusion of expendable trust funds, as required by law, is an additional \$55,251,660 for a total of \$617,696,698. The estimated mill levy for this budget would be 31.828 mills, no change from the levy for the current 2005 Adopted Budget.

The General Fund property tax levy is \$58,364,900 (including a delinquency allowance) at an estimated 21.828 mills. The levy for the Debt Service Fund is \$26,738,550 (including a delinquency allowance) and is estimated at 10.000 mills.

There are a total of seven TIF Funds, two environmental TIFs (Gilbert & Mosley and North Industrial Corridor) and five economic TIFs (East Bank, Old Town, 21st & Grove, Central & Hillside, and Old Town Cinema). The combined resources of the seven TIF Funds are \$13,972,870 of which \$6,168,660 is derived from property tax increments.

The SSMID Fund is included in the proposed budget assuming a –0.21% increase in assessed valuation. Assuming a mill levy rate of 5.950 mills and a delinquency factor of 3%, the new valuation projections would result in \$572,230 revenue net of delinquency in fiscal year 2006 (2005 taxes levied). Factoring revenue from prior year delinquencies (\$26,060) and motor vehicle tax revenue (\$16,500) results in a total of \$614,790.

The dollar amounts, after they are set in the published notice of hearings on the proposed budget, cannot be exceeded, although the City Council may determine subsequently to reduce the mill rate. Formal hearing and adoption of the budget is scheduled for August 9th. If subsequent actions result in an increase to the budget, a process of republication, hearings and certification will be required.

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In addition to action on the 2006 Budget, it is requested that action be taken to amend the 2005 Adopted Budget – as contained in the proposed budget submitted to the City Council:

1. The Economic Development Fund increase of \$3,829,890 is due primarily to the \$3.5 million funding for affordable air service (\$2.5 million from the City and \$1 million from the County).
2. The Old Town Cinema Tax Increment Financing Fund increase of \$381,280 is due to additional revenues received, which will be used to pay debt service on improvements in the TIF area.

Publication of the notice of formal hearing will set the maximum dollars that may be expended in each fund. The City Council may subsequently reduce expenditures required (and proposed tax dollars to be levied) but not increase them.

As required by law, the proposed budget will be published with appropriated balances. State statutes require formal public hearings prior to approval of the annual operating budget and for budget amendments of published funds. The 2006 Budget must be adopted by the City Council on August 9, and will be filed with the County Clerk by the statutory date of August 25.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Cybil Strum

Ms. Strum asked why does the big businesses get a lot of money and the small businesses do not and why the taxpayers have to pay for the small businesses that go under.

Motion--

Mayans moved that the public hearing on the proposed 2006 Budget (including the Tax Increment Financing Districts and the Self-Supporting Municipal Improvement District downtown) and the revised 2005 Budget for August 9, 2005 be set; publication of the formal public hearing notice authorized and first reading of the general budget, TIF district, and SSMID ordinances be approved.

--carried

Motion carried 6 to 0, (Gray absent).

ORDINANCE

An Ordinance making and fixing general tax levy for the City of Wichita, Kansas, for the year beginning January 1, 2006, and ending December 31, 2006, and relating thereto, and concurrently approving certain amendments to the 2005 adopted budget, introduced and under the rules laid over.

ORDINANCE

An Ordinance making and filing an increment in ad valorem taxes for the East Bank Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2006, and ending December 31, 2006, introduced and under the rules laid over.

ORDINANCE

An Ordinance making and filing an increment in ad valorem taxes for the North Industrial Corridor Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2006, and ending December 31, 2006, introduced and under the rules laid over.

ORDINANCE

An Ordinance making and fixing general tax levy for The Downtown Wichita Self-Supported Municipal Improvement District for the year beginning January 1, 2006, and ending December 31, 2006, introduced and under the rules laid over.

ORDINANCE

An Ordinance making and filing an increment in ad valorem taxes for the Gilbert and Mosley Site Redevelopment District, City of Wichita, Kansas, for the fiscal year beginning January 1, 2006, and ending December 31, 2006, introduced and under the rules laid over.

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CAP. IMPROV PROG. PROPOSED 2005-2014 CAPITAL IMPROVEMENT PROGRAM.

Jay Newton

Senior Budget Analyst reviewed the item.

Agenda Report No. 05-0694

(Council Member Skelton momentarily absent)

The proposed 2005-2014 Capital Improvement Program (CIP) was initially prepared by the CIP Administrative Committee and later improved as a result of Council workshop discussions and feedback from the District Advisory Boards. The proposed CIP has been presented to the Metropolitan Area Planning Commission (MAPC). As in years past, this proposal reflects revised revenue estimates, updated cost figures and continues the commitment to City Council and community priorities.

The proposed capital program responds to and anticipates community needs, uses City funds to maximize other revenue sources - particularly Federal and State grants - and maximizes the number and scope of capital investments in the City's infrastructure. Direct Council feedback and public comment were crucial to the creation of this comprehensive program, including input from the District Advisory Boards (DABs).

The proposed CIP totals more than \$1.8 billion over ten years. Major projects include the Kellogg freeway expansion; implementation of Neighborhood Plans; major infrastructure improvements such as new and reconstructed roadways, intersections, bridges and sidewalks; improvements to parks and public facilities; water and sewer system improvements; public transportation system and airport investments; and infrastructure to support residential development.

The proposed Capital Improvement Program is funded from many sources: the 10-mill property tax comprises 19% of resources (GO or at-large funding), Local Sales Tax (LST) revenues fund 13% of the capital program and enterprise revenues fund 32%. State and Federal funding, much of it leveraged with local matching funds, provides 22.5% of total resources. Special assessments and other sources (such as County and public-private partnerships) fund 14% and 3%, respectively.

Freeway construction schedules call for the completion of Kellogg interchanges at Woodlawn by 2005 and at Rock Road by 2007, as previously scheduled. Funding is included for partial design and right-of-way purchases for interchanges at Webb, Greenwich and K-96 on the east, and 119th, 135th and 151st on the west. Construction funding is included for a Floodway Bridge in 2010/2011. Previous State commitments are critical to the Kellogg/Rock project. Future funding assistance will be required to accelerate the construction schedule for future freeway segments.

Increased funding for drainage (storm water) projects is proposed in the 2005 – 2014 CIP. The Equivalent Residential Unit (ERU) fee is proposed to increase gradually from \$1.50 in 2005 to \$1.75 in 2006 and \$2.00 in 2007. The increased ERU will allow all currently identified critical drainage projects to be completed more quickly. In the future, the increased fee will allow additional, but not yet identified, drainage projects to be constructed.

It is proposed that the City Council authorize the 2005, 2006 and 2007 CIP as capital budgets, allowing design to commence on the scheduled projects and grant applications to be filed for project financial support.

The 2005 – 2014 Capital Improvement Program contains 398 projects totaling over \$1.8 billion. The proposed capital budgets by year are: 2005 - \$182 million, 2006 - \$228 million, and 2007 - \$194 million. The CIP is balanced as to revenues and expenditures.

Implementation of the proposed program is expected to allow the City to maintain its favorable general obligation bond ratings by Moody's and Standard & Poors.

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As mandated by Ordinance 39-196, one-half of the revenue received from the City's portion of a one percent countywide sales tax is pledged for road, bridge, and highway projects, including right-of-way acquisition and project design and construction.

Council Member Skelton Council Member Skelton asked Mr. Newton to explain the process for amending the CIP.

Jay Newton Senior Budget Analyst explained that the CIP is a fluid document and is not required by state law and is primarily a planning document, so it can be amended by the City Council. Stated that they consider the early part of the CIP to be firmer. Stated that some of the projects that they have listed as unscheduled, which is unfounded, they are working with the state government and federal government to try to share some costs on those projects.

Mayor Mayans Mayor Mayans asked Chris Carrier about the Kellogg project in regards to looking at the cost benefits of working around the clock and at night to expedite the building of Rock Road and Kellogg, when there is less traffic. Stated that we may have to spend more money in overtime, etc. but that the economic impact to the area and to those businesses that are there would more than make up the for the losses.

Chris Carrier Director of Public Works stated that he would look at this for future phases of the Kellogg project and this is all possible within the specifications and might want to look at allowing that and look at alternate bids to see what that would cost us and compare that against potential business losses.

Mayor Mayans Mayor Mayans inquired whether anyone wished to be heard.

Cybil Strum Ms. Strum stated to stop letting the big businesses get all the money and why should the consumer have to pay extra on taxes for utilities. Stated that she feels that they should lower the prices of utilities.

Motion-- Mayans moved that the 2005-2014 Capital Improvement Program be approved; initiation of projects scheduled for 2005, 2006 and 2007, with appropriate design solicitations and filing of applications for available State and Federal project support be authorized.

Council Member Fearey Council Member Fearey asked where the ERU increase fits in with this.

Jay Newton Senior Budget Analyst stated that the ERU increase is assumed in the project projections and if that increase is not approved, they would need to go back and work with Council to reprioritize some of those projects. Stated that staff is intending to bring those ordinances for the utility rates to the Council at the August 9th Council Meeting.

--carried Motion carried 6 to 0, (Gray absent).

13TH/BROADWAY IMPROVEMENT TO THE INTERSECTION OF 13TH STREET AND BROADWAY. (DISTRICT VI)

Jim Armour Public Engineer reviewed the item.

Agenda Report No. 05-0695

The 2004-2013 Capital Improvement Program adopted by the City Council includes a project to improve the intersection of 13th and Broadway. District VI Advisory Board sponsored a December 6, 2004, neighborhood hearing on the project. The Board voted 9-0 to recommend approval of the project, subject to affected property owners having the opportunity to work with City staff on right-of-way acquisition.

The project will provide left turn lanes at all four approaches to the intersection.

The estimated project cost is \$2,435,000 with \$1,460,000 paid by the City and \$975,000 by Federal Grants administered by the Kansas Department of Transportation. The funding source for the City

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share is General Obligation Bonds. A City/State agreement has been prepared for the administration of the project.

The Law Department has approved the authorizing Ordinance and City/State agreement as to legal form.

Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard.

Bob Pfiffer

Mr. Pfiffer stated that he is one of the owners of Cochran Mortuary and that he has severe concerns about this project. Stated that he had received a notice from the City regarding the proposed project and also received a copy of the plans. Stated that he agrees that the Broadway and 13th Street intersection is a bad intersection but about eight years ago, three to four feet of easement off Broadway was taken from them to do the initial improvements and at that time he was told that the City would work with them in with that construction and he never heard anything from the City. Stated that this new proposal is going to take another eight to ten feet of Broadway frontage from him, which disrupts funeral services. Stated that they need to have their circle drive up front available for the staging and function of their business. Stated that there needs to be some consideration and improvement to the 13th Street and Broadway area but fails to see that he is the only business there that is going to be primarily affected by it and asked that the Council get some input from the other property owners that this will affect.

Motion--

Fearey moved that the project be approved; the Ordinance placed on first reading, and the signing of State/Federal agreements as required be authorized but also work with a representative from each business that would be affected and a representative from the church that is located there and a representative from the neighborhood association in that area and try to look at different design alternatives and what can work best for the neighborhood, the businesses and traffic. Motion carried 6 to 0, (Gray absent).

--carried

ORDINANCE

An Ordinance declaring the intersection of 13th and Broadway (472-84178) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the rules laid over.

SEWAGE PLANT

MID-CONTINENT SEWAGE TREATMENT PLANT.

David Warren

Director of Water and Sewer Utilities reviewed the item.

Agenda Report No. 05-0696

The 2000 Sewer Master Plan recommends the construction of a new sewage treatment facility to serve the southwest portion of Wichita. The Water & Sewer Department, through the site selection process, has identified appropriate locations for the new plant. The required design and construction work throughout the service area are part of the project and are included in the CIP.

Staff solicited Requests for Qualifications (RFQs) for engineering services to provide the following:

- Plant permitting and design
- Construction oversight
- Refinement of the 2000 Sewer Master Plan for the plant service area
- Evaluation of remote facility sludge handling processes
- Incorporation of sewage flows from the City of Goddard

The project for the design and construction of the Mid-Continent Sewage Treatment Plant and related infrastructure is included in the approved Capital Improvement Program (CIP S-546), Mid-Continent Sewage Treatment Plant. The project has a budget of \$23.5 million and will be funded from future revenue bonds and/or Sewer Utility cash reserves.

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Mayor Mayans

Mayor Mayans inquired whether anyone wished to be heard and no one appeared.

Motion--
--carried

Mayans moved that the project be approved; the Resolution adopted and the necessary signatures authorized. Motion carried 6 to 0; (Gray absent).

RESOLUTION NO. 05-370

A Resolution of the City of Wichita, Kansas, declaring it necessary to construct, reconstruct, alter, repair, improve, extend and enlarge the water and sewer utility owned and operated by the city, and to issue revenue bonds in a total principal amount which shall not exceed \$23.5 million exclusive of the cost of interest on borrowed money, for the purpose of paying certain costs thereof, and providing for the giving of notice of such intention in the in the manner required by law, presented. Mayans moved that the Resolution be adopted. Motion carried 6 to 0. Brewer, Fearey, Martz, Schlapp, Skelton, Mayans; Gray absent).

PLANNING AGENDA

Motion--carried

Mayans moved to approve Planning Consent item 26. Motion carried 6 to 0, (Gray absent).

CON2005-11

CON2005-11-CONDITIONAL USE TO PERMIT A WRECKING/SALVAGE YARD ON PROPERTY ZONED GENERAL INDUSTRIAL AND LOCATED NORTH OF 29TH STREET NORTH AND WEST OF OHIO. (DISTRICT VI)

John Schlegel

Planning Director reported that the applicant asked to defer this item for two weeks until August 2nd.

Motion--carried

Fearey moved to defer item 24 until the August 2nd meeting. Motion carried 6 to 0, (Gray absent).

CON2005-00015

CON2005-00015-CONDITIONAL USE TO PERMIT A WRECKING/SALVAGE YARD ON PROPERTY ZONED GENERAL INDUSTRIAL AND LOCATED NORTH OF 33RD STREET NORTH AND WEST OF ST. FRANCIS STREET. (DISTRICT VI)

John Schlegel

Planning Director reviewed the item.

Agenda Report No. 05-0698

MAPC Recommendations: Approve, subject to staff recommendation, vote (6-5).

MAPD Staff Recommendations: Approve, subject to conditions.

DAB VI Recommendations: Deny, vote (6-0).

The applicant is requesting a Conditional Use to permit a wrecking/salvage yard on a 1.77 acre platted tract located north of 33rd Street North and west of St. Francis. The applicant is currently operating a wrecking/salvage yard on the subject property in violation of the regulations of the Unified Zoning Code. The subject property is zoned "GI" General Industrial, and a wrecking/salvage yard may be permitted by a Conditional Use in the "GI" district.

The applicant submitted significant documentation and a site plan that describe and illustrate the proposed use of the subject property. The applicant indicates that the subject property will be used for processing and recycling metallic scrap materials. The materials to be recycled will at times include farming equipment, aluminum tankers, and wrecked or junked semi trailers. The materials will be cut up or smashed into cubes and sorted for shipping to scrap metal buyers via truck and possibly rail.

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The surrounding area is characterized by industrial uses. All of the properties surrounding the subject property are zoned "GI" General Industrial. Most of the immediately surrounding property is developed with office/warehouse type uses, with the exception of undeveloped land to the north, a drainage detention area to the east, and a vehicle repair business to the southwest.

At the DAB meeting on May 18, 2005, surrounding property owners spoke in opposition to the request and cited concerns that the request was not in keeping with the character of the neighborhood, would be a visual blight on the area and should be located in area where salvage is already an established use. The DAB voted (6-0) to recommend that the request not be approved because it does not fit the character of the neighborhood. At the MAPC meeting on May 26, 2005, surrounding property owners again spoke in opposition to the request, cited the same concerns as expressed at the DAB meeting and presented the photographs and other documentation to support their claims. The MAPC voted (6-5) to approve of the request subject to the conditions stated in the resolution and based on the findings stated in the excerpt minutes. Written protest petitions have been received from property owners representing 92.48 percent of the land area within 200 feet of the subject property as well as from numerous other property owners that own land located more than 200 feet from the subject property. Since the area of land owned by protestors exceeds 20 percent of the land area within 200 feet of the subject property, the MAPC approval of the request is appealed to the City Council for final action and will require a three-fourths majority vote of the City Council (6 affirmative votes) to approve.

- Council Member Martz Council Member Martz stated that he has concerns with how staff can recommend approval when the protest petitions are so high and there are existing violations
- John Schlegel Planning Director explained that staff recommended approval because it is a general industrial area, there are other wrecking and salvage yards in the general vicinity and they felt that the conditions that they were recommending, if complied with, would make this an acceptable use in that area. Stated that they took into consideration the violation of city codes and are trying to get this operation to be brought into compliance with what have become standard conditions now that the Council has applied to other wrecking and salvage yards.
- Council Member Fearey Council Member Fearey stated that she did meet with the applicant about this and also met with one of the people who signed the protest petition and after much deliberation, is going to move that we deny the request for the conditional use due to how the property is kept at this time, the number of protest petitions that were received and the very close vote on the MAPC. Stated that she did not feel that MAPC sent a strong recommendation to approve this.
- Motion--carried Fearey moved to deny the conditional use request. Motion carried 6 to 0, (Gray absent).

(Agenda Item #26) VAC2005-02

VAC2005-02-REQUEST TO VACATE PLATTED STREET RIGHT-OF-WAY LOCATED BETWEEN PENNSYLVANIA AVENUE AND HYDRAULIC AVENUE. (DISTRICT I)

Agenda Report No. 05-0699

Staff Recommendation: Approve

MAPC Recommendation: Approve (Unanimously)

The applicant, USDA #259, is requesting vacation of a portion of 3rd Street. The 70-foot (x) 270.07-feet of right-of-way (ROW) intersects Pennsylvania Avenue on its west side and Hydraulic Avenue on its east side. The applicant owns the abutting northern and southern properties. The northern, unplatted tract contains Washington Elementary School. The abutting southern property, Lots 47 & 48, Mathewson's Fourth Addition, is currently part of the school's parking lot and what was single-family use. There is a platted north-south alley that intersects the south side of 3rd Street. There is a sewer line and manholes in the alley. There are water lines in the 3rd Street ROW. Sewer lines and manholes appear to be out of the 3rd Street ROW. There are franchised utilities in the ROW. The ROW will be retained as a utility easement. This portion of the 3rd Street ROW was dedicated on the Mathewson's Fourth Addition, which was recorded with the Register of Deeds August 2, 1886.

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The MAPC voted to approve (11-0) the vacation request. No one spoke in opposition to this request at the MAPC's advertised public hearing or its Subdivision Committee meeting. No written protests have been filed.

The applicant has provided a letter of credit providing for closure of the 3rd Street returns and continuation of curbing along its intersections of Hydraulic Avenue and Pennsylvania Avenue.

A certified copy of the Vacation Order, dedication of cross lot access and easement, and a restrictive covenant will be recorded with the Register of Deeds. Retain the east 30-feet (x) 70-feet of the 3rd Street ROW. Retain the vacated portion of 3rd Street as a utility easement. The bricks used to pave this portion of vacated 3rd Street will be returned to the City of Wichita's Public Works department.

Motion--
--carried

Mayans moved that the Vacation Order be approved and the necessary signatures authorized. Motion carried approved 6 to 0, (Gray absent).

CITY COUNCIL

BOARD APPTS.

BOARD APPOINTMENTS.

Council Member Fearey Council Member Fearey requested that Sandra Whittington be appointed as an alternate to DAB VI.

Mayor Mayans Mayor Mayans requested to reappoint Donna Aldrich to the Library Board.

Council Member Schlapp Council Member Schlapp requested to reappoint Tim Moore to the Library Board.

Motion--carried Mayans moved that the appointments be made. Motion carried 6 to 0, (Gray absent).

TRAVEL EXPEND.

APPROVAL OF TRAVEL EXPENSES FOR COUNCIL MEMBER SCHLAPP TO ATTEND CONGRESSIONAL LEGISLATIVE MEETING WITH CONGRESSMAN TIAHRT IN WASHINGTON, D.C. JULY 24-31, 2005.

Motion--carried Mayans moved that the expenditures be approved. Motion carried 6 to 0, (Gray absent).

TRAVEL EXPEND.

APPROVAL OF TRAVEL EXPENSES FOR MAYOR AND COUNCIL MEMBER BREWER TO SPRINGFIELD, MO, FOR MARKETING PROMOTION OF THE CITY OF WICHITA, JULY 21-22, 2005.

Motion--carried Mayans moved that the expenditures be approved. Motion carried 6 to 0, (Gray absent).

RECESS

Motion--

Mayans moved that the City Council recess into Executive Session at 10:50 a.m. to consider: Consultation with legal counsel on matters privileged in the attorney-client relationship relating to: pending litigation; potential litigation; legal advice; contract negotiations; preliminary discussions relating to the acquisition of real property for public purposes and confidential data relating to the financial affairs or trade secrets of a business and that the Council return from Executive Session no earlier than 12:00 p.m. and reconvene in the City Council Chambers of City Hall. Motion carried 6 to 0, (Gray absent).

--carried

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RECONVENE

The Council reconvened in the Council Chambers at 12:05 p.m.

Motion--carried Mayans moved to extend the Executive Session until 12:30 p.m. Motion carried 6 to 0, (Gray absent).

RECONVENE

The Council reconvened in the Council Chambers at 12:30 p.m. Mayor Mayans announced that no action was taken.

Motion--carried Mayans moved to close the Executive Session at 12:30 p.m. Motion carried 4 to 0, (Schlapp and Brewer not present and Gray absent)

Motion--carried Mayans moved to close the Regular Meeting at 12:31 p.m. Motion carried 4 to 0, (Schlapp and Brewer not present and Gray absent).

Adjournment The City Council meeting adjourned at 12:31 p.m.

Respectfully submitted,

Karen Sublett
City Clerk

Workshop followed in the First Floor Board Room